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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,171	02/04/2002	Yoshiho Gotoh	MTS-710US27	6246
7590	02/08/2005		EXAMINER	
Ratner & Prestia P.O. Box 980 Valley Forge, PA 19482			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,171	GOTOH ET AL.	
	Examiner	Art Unit	
	Paul Callahan	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2-2-2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/649,411.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 36-39 are pending in this application and have been examined.

Terminal Disclaimer

2. The terminal disclaimer filed on 10-08-04 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent 6,052,465 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/649,411, filed on 5-16-1996.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence A. Ashery on 9-17-2004.

The application has been amended as follows:

In The Claims

Claims 1-35 (Canceled)

Claim 36 (Original) An optical disk comprising:

a first information area where data is recorded,

a second information area where another data is recorded with marks which have barcode-like configurations in a radius direction, an identifier is provided in the first information area for indicating whether or not said marks with barcode-like configurations are present on said optical disk,

a guard band area which is formed between the identifier and the second information area,

and wherein at least an address is written on said guard band area.

37. (Original) An optical disk according to claim 36, wherein an identifier which indicates whether the barcode-like marks are present or not, is provided in the control data area of the first information area.

38. (Original) An optical disk, comprising:

a barcode like mark: and

an identifier for indicating whether or not said barcode like mark is present on said optical disk.

39. (Currently Amended) A method of reproducing an optical disk on which data is recorded, wherein in a prescribed region of said disk, an identifier is provided for indicating whether a barcode-like mark is present or not on said optical disk, ~~said identifier and said barcode-like mark~~, said barcode-like mark is disposed in a circumferential direction, said barcode-like mark has a plurality of bars, said method comprising the steps of:

- a) focusing a beam on an information layer of said optical disk,
- b) confirming said optical disk has a control data area and an identifier indicating the presence or not of said barcode-like mark, and
- c) controlling an optical head based on the step of said confirming b) whether or not to read a barcode-like mark.

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In The Specification

Please replace the paragraph at page 1, line 7:

CROSS-RELATED APPLICATIONS

This application is a Continuation application of U.S. Patent Application Serial No. 09/595,139, filed June 15, 2000, which is now U.S. Patent 6,457,128, issued September 24, 2002, which is a Continuation application of U.S. Patent Application Serial No. 09/441,338, filed November 16, 1999, which is now U.S. Patent No. 6,141,419, issued October 31, 2000, which is a Divisional of U.S. Patent Application Serial No. 08/649,411, filed May 16, 1996, which is now U.S. Patent No. 6,052,465, issued April 18, 2000.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 36, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,706,047 to Lentz et. al, in view of US Patent 3,752,961 to Torrey, and Official Notice taken as detailed below.

Lentz teaches an optical disk comprising a barcode like mark including a plurality of bars extending in a radial direction, in fig. 5 and fig. 6. Lentz does not teach inclusion of an identifier included in a control data area of an information area of a disk, for indicating whether or not said barcode is present or absent. Torrey does teach the use of an identifier used to indicate the presence or absence of a barcode, in fig. 1 item 4 "No Label Detector," and in claim 7 where an identifier sequence is used to denote the presence or absence of a bar code. Official Notice may be taken that the use of a control data area of a disk in which to write identifiers, and a guard band area upon which address information is written are steps that are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features of Torrey and of which Official Notice has been taken into the system of Lentz. It would have been desirable to so as this would allow for more rapid processing of data by preventing a disk reader from having to scan an entire sector of a disk searching for a barcode not present, inclusion of an identifier in a control data area would facilitate greater information storage by not intruding on a data storage area of the disk. Address

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information included in the guard band area of a disk is advantageous since it allows for optical head control without impinging on a data area.

As for claim 39, the claim represents the method of producing the disk, with limitations directed only to the characteristics of the disk as found in claims 36-38. Claim 39 is therefore rejected on the same basis as are claims 36-38.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336.

The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (703) 306-3036. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

02/05/2005

Paul Callahan

Andrew Caldwell

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**